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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,058	01/31/2002	Masaki Ueno	107355-00052	6576

7590 06/12/2003

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
Suite 400
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5339

EXAMINER

NGUYEN, TU MINH

ART UNIT	PAPER NUMBER
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3748

12

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.
10/060,058

Applicant(s)
Ueno et al.

Examiner
Tu M. Nguyen

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3748



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED May 27, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see ATTACHMENT
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____
- Claim(s) objected to: 2, 3, and 5
- Claim(s) rejected: 1, 4, 6, and 7
- Claim(s) withdrawn from consideration: _____
8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

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ATTACHMENT

1. An Applicant's Amendment after final rejection filed on May 27, 2003 has been received and fully considered. Overall, claims 1-7 are pending in the application.

Response to Arguments

2. Applicant's arguments with respect to the references applied in the previous Office Action have been fully considered but they are not persuasive.

In response to applicant's argument that the main reference Yamamoto et al. fails to disclose or suggest switching the exhaust gas flow path to the bypass exhaust passage only when the adsorbed unburnt constituent is released (page 9 of Applicant's Amendment), the examiner respectfully disagrees. As indicated at step S5 in Figure 2 and line 63 of column 5 to line 21 of column 6, after a time t_a has elapsed, the honeycomb body (12) begins to release the adsorbed hydrocarbons; and valve (8) is controlled to assume the valve-closed position to allow the exhaust gas to flow through the bypass passage (5b) only.

Applicant further argues that there is impermissible hindsight to combine Tanaka et al. with Yamamoto et al. because applicant alleges that the object of Tanaka et al. is to remove residual soot from the adsorbent; while the object of Yamamoto et al. is to remove unburnt hydrocarbons from the adsorbent (pages 11 and 12 of Applicant's Amendment). The examiner respectfully disagrees with this allegation. As shown in steps 403-406 and indicated on lines 14-

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37 of column 8 in Tanaka et al., if the upstream catalysts (3) are still below an activation temperature, the CPU controls the bypass valve (40) to open the flow path A and close the flow path B (see Figure 5) so that hydrocarbons that are not oxidized by the upstream catalysts (3) are adsorbed by the adsorbent (42). Thus, Tanaka et al. are also concerned with purifying unburnt hydrocarbons in the exhaust gas during an engine start-up.

Communication

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tu Nguyen whose telephone number is (703) 308-2833.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas E. Denion, can be reached on (703) 308-2623. The fax phone number for this group is (703) 872-9302. For After Final communication, the fax phone number is (703) 872-9303.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Tu M. Nguyen

TMN

Tu M. Nguyen

June 10, 2003

Patent Examiner

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Thomas Denion
THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700